

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:

CARMELO CAEZ CRUZ
AMARILYS COLON FERNANDEZ

14-08561-MCF

CHAPTER 13

DEBTOR(S)

TRUSTEE'S MOTION TO DISMISS

TO THE HONORABLE COURT:

Comes now Alejandro Oliveras Rivera, Chapter 13 Trustee and respectfully states and prays:

1. The meeting of creditors was held November 18, 2014. The current proposed plan is dated 10-21-2014.
2. Debtor(s) failed to comply with the Bankruptcy Code, as follows:
 - a. Plan is insufficiently funded to pay secured creditors.
 - b. As per monthly operating reports submitted, debtor's average net income is negative \$572.91. Schedule "I" discloses debtor's net income for \$1,915.00.
 - c. Debtor needs to clarify why SCMI, line 47a reflects that mortgage payment is \$780.00 when the same has been disclosed for \$895.00 in schedule "J". Debtors need to clarify their current mortgage payment and provide evidence of payments post-petition.
 - d. Debtors have an additional income coming from "after school kids" not disclosed in schedule "I".
 - e. Debtor needs to submit evidence of filing federal tax returns for yrs. 2010 thru 2013 (1040 PR).
 - f. Debtor to submit Public Liability Insurance.
 - g. Evidence of family assistance has not been provided.
 - h. Plan does not specify if insurance for vehicle will be paid through the plan by trustee.
 - i. Debtors need to disclose any other lease in which they are the lessors and/or lessees in schedule "G" besides lease with Nelly Rodriguez Rosario already disclosed in said schedule.
 - j. Debtors need to specify in schedule "J" if dependents therein listed live with them.
 - k. Trustee submits that debtors need to submit monthly operating reports up to confirmation in view of debtors' negative income reported for the 6 mos. prior to filing. The same have not been forwarded to the trustee.
3. No extension of time or justification for failing to comply with the above has been filed.

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4. Debtor(s) is(are) not a member(s) of the U.S. Armed Forces, the Coast Guard, the Public Health Service or the National Oceanic and Atmospheric Administration, as evidenced by the Certificate issued by the U.S. Department of Defense, copy of which is attached only to the original of this motion and movant's copy.

WHEREFORE, for the reasons stated above it is respectfully requested from the Court to enter an order dismissing the present case pursuant to 11 U.S.C §521 and/or §1325 of the Bankruptcy Code.

30 DAY NOTICE TO ALL CREDITORS AND PARTIES IN INTEREST: Within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: I hereby certify that on this same date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which sent a notification of such filing to all those who in this case have registered for receipt of notice by electronic mail. I further certify that I have served to the U.S. Trustee, ustpreregion21.hr.ecf@usdoj.gov and by depositing true and exact copies thereof in the United States Mail, postage prepaid, to the non CM/ECF participants: debtor(s) the mailing address of record.

RESPECTFULLY SUBMITTED in San Juan, Puerto Rico this, 26TH of March 2015.

/s/ Alejandro Oliveras Rivera
ALEJANDRO OLIVERAS RIVERA
CHAPTER 13 TRUSTEE
P.O. Box 9024062
San Juan, PR 00902-4062
Tel. 977-3500 Fax 977-3521
CMC-SR



Status Report
 Pursuant to Servicemembers Civil Relief Act

Last Name: CAEZ CRUZ
 First Name: CARMELO
 Middle Name:
 Active Duty Status As Of: Mar-26-2015

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Mary M. Snavelly-Dixon

Mary M. Snavelly-Dixon, Director
 Department of Defense - Manpower Data Center
 4800 Mark Center Drive, Suite 04E25
 Arlington, VA 22350

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Certificate ID: 9497OFB8210DM50



Status Report
 Pursuant to Servicemembers Civil Relief Act

Last Name: COLON FERNANDEZ
 First Name: AMARILYS
 Middle Name:
 Active Duty Status As Of: Mar-26-2015

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

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Certificate ID: D4N74F18O10DJ60